

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JULIUS ARMOND LIBBETT

Plaintiff

v.

No. 2:06-cv-131

Judge Edgar

S. TANGEN

Defendant

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MEMORANDUM

In this prisoner suit, the defendant has filed a motion for summary judgment (Doc. No. 16). On September 13, 2006, United States Magistrate Judge Timothy P. Greeley entered an order requiring plaintiff to file a response within thirty days. Plaintiff was advised in this order that failure to file a response would result in dismissal of the case pursuant to Fed.R.Civ.P.41(b) for failure to prosecute. Plaintiff has not filed a response to defendant's motion for summary judgment. Therefore, a separate judgment will enter dismissing this case. This dismissal will not operate as a "strike" under 28 U.S.C. § 1915(g), but will be a dismissal with prejudice and an adjudication on the merits pursuant to Fed. R. Civ.P. 41(b).

SO ORDERED.

Dated: 11/17/06

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE